

GREGORY D. HAGEN, ESQ. (State Bar No. 127599)  
 DAVID J. AVENI, ESQ. (State Bar No. 251197)  
**WILSON, ELSER, MOSKOWITZ,**  
**EDELMAN & DICKER LLP**  
 401 West A Street, Suite 1900  
 San Diego, CA 92101  
 Telephone: (619) 321-6200  
 Facsimile: (619) 321-6201  
 Email: gregory.hagen@wilsonelser.com  
 david.aveni@wilsonelser.com

Attorneys for Defendants  
 DYNAMIC PET PRODUCTS and  
 FRICK'S MEAT PRODUCTS, INC.

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

KHRISTIE REED, on Behalf of  
 Herself and All Others Similarly  
 Situated,

Plaintiff,

vs.

DYNAMIC PET PRODUCTS and  
 FRICK'S MEAT PRODUCTS, INC.,

Defendants.

Case No. 15-cv-0987-WQH -DHB

**DEFENDANTS' NOTICE OF  
 MOTION AND MOTION TO  
 DISMISS/MOTION FOR JUDGMENT  
 ON THE PLEADINGS**

Hearing Date: March 18, 2019  
 Judge: William Q. Hayes  
**NO ORAL ARGUMENTS UNLESS  
 REQUESTED BY COURT**

Magistrate: Hon. David H. Bartick

No Oral Argument Unless Requested By  
 The Court

TO PLAINTIFFS AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on March 18, 2019, defendants Frick's Meat Products, Inc. and Dynamic Pet Products will move this Court to dismiss this action pursuant to Federal Rule of Civil procedure 12(b)(6) and for judgment on the pleadings under Federal Rule of Civil Procedure 12(c) on the following grounds:

First, the *Taylor* judgment in Missouri would be res judicata under Missouri law, and because Plaintiff cannot demonstrate there are applicable exceptions to

1 giving that judgment preclusive effect under the Full Faith and Credit Act, 28 U.S.C.  
2 § 1738, Plaintiffs' claims are barred by res judicata. Second, Plaintiffs chose not to  
3 opt out of the *Taylor* settlement, and thus their claims in this proceeding have been  
4 released by the *Taylor* settlement agreement.

5 The motion will be based on this Notice of Motion and Motion, the  
6 Memorandum of Points and Authorities, Request for Judicial Notice, and Declaration  
7 of David Aveni filed herewith, and upon such other argument as may be offered at  
8 the time of any hearing held on this motion.

9  
10 Dated: February 7, 2019

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

11  
12 By: s/ David J. Aveni  
13 Attorneys for Defendants  
14 E-mail: david.aveni@wilsonelser.com  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28